

City Council Chamber, City Hall, Tuesday, March 23, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 23, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Mr. Jose Soto, Assistant Agenda Director present.

At 1:56 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Khan. Council Member Khan invited Mr. George Tanyingu, president of the Cameroonian Community, to the podium and invited all present with the group to stand to be recognized. Council Member Khan stated that they were honoring the Cameroonian American Community in Houston (CAMACOH) for their developing a spirit of unity, cooperation and friendship to improve the status of their community; and Mayor White presented him a Letter of Recognition for their meritorious endeavors and extended best wishes for continued success. Council Members Galloway, Edwards, Holm and Alvarado absent.

Council Member Quan stated that he was to recognize a special group today, the Special Needs Scouts, and invited the group from Hamilton Middle School to the podium. Council Member Quan stated that Boy Scouts was active in developing character and training them to become leaders of tomorrow; that this program was built on sound special education principles used by special education administrators with a series of goals and Mayor White presented them with a Proclamation saluting and commending the organizers and participants, extending best wishes for a successful and rewarding event and proclaiming March 23, 2004 as "Special Needs Scouting Day in Houston, Texas." Council Members Galloway and Alvarado absent.

Council Member Berry stated that Houston's Sister City Program provided a unique opportunity for exchanges between Houston and sixteen cities around the world and today they were recognizing winners of the Sister Cities Annual Art Competition and invited Ms. Angelica Schmidt Lang, president of Sister Cities of Houston to the podium to recognize the winners. Ms. Lang stated that this was the eighth year of competition and the theme was "Coming Together to Build a Better World" and invited winners of the competition to the podium and Mayor White presented them with a Certificate of Recognition.

At 2:14 p.m. Mayor White called the meeting to order and Council Member Ellis led all in the prayer and in the pledge of allegiance.

At 2:15 p.m. the City Secretary called the roll. All present.

Council Members Wiseman and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

Council Member Wiseman stated as a point of personal privilege she wanted to announce today she held the first Citizen's Advisory Committee Luncheon where they brought constituents throughout the community together to discuss the district as a whole and find solutions; that some members were present and she invited them to stand to be recognized.

Council Member Khan moved that the rules be suspended for the purpose of allowing Mr. Ray Driscoll to speak first, seconded by Council Member Ellis.

Council Member Galloway offered an amendment to Council Member Khan's motion to hear Ms. Robbie Strather and Ms. Polly Ledvina out of order, seconded by Council Member Green.

A vote on the motion to amend was called. All voting aye. Nays none.

MOTION 2004-0274 ADOPTED

Council Member Alvarado stated that she wanted to recognize former Council Member John Castillo who was in the audience and asked that he stand to be recognized.

Mr. Ray Driscoll, 8814 Mobud, Houston, Texas 77036 (713-995-7273) appeared, presented information and stated that he was present to present a proposal he presented to Mayor Brown in 1998 which was to initiate and manage competition along the lines of the National Council of Public Private Partnerships with the purpose of reducing the cost of operation and increase efficiency of city services; that it was for government agencies to compete with private firms and other government agencies and whoever could provide for effective services at the lowest cost received the job so city employees were allowed to compete in the market place and prove they were on par with private employees; that when Mayor Brown tried it Solid Waste the City reduced cost by \$1,500,000 and employees shared in the savings.

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. Ray Driscoll to speak, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0275 ADOPTED

Mr. Driscoll further stated that it was a win/win situation for the City and taxpayers; that competition awakened new attitudes and he was passionate about it.

Council Member Ellis stated that he thought it was a great idea leaving a check and balance in place; that Mayor White appointed him as chair of the Fiscal Affairs Committee and he would love to explore the idea and hoped Mayor White would encourage them to evaluate it and see if it would fit with the City; and hoped he would come to the committee meeting. Council Member Berry absent.

Council Member Wiseman thanked Mr. Driscoll for coming and stated that she had been trying to get information from Parks and Public Works Departments with respect to an amendment Council passed during the budget vote last year to create a competitive process for the public and private sector for right of way maintenance and parks esplanade maintenance; that while it was structured differently it still brought to mind it was something they had not had an update on and she requested the Administration to look into that also. Council Member Berry absent.

Mayor White stated that he appreciated their conversations on it and the materials she had forwarded to him. Upon questions to Mr. Driscoll, he stated that to start you needed an individual answerable only to the Mayor and the only two areas not to be looked at was uniformed police officers and uniformed firemen.

Council Member Khan thanked Mr. Driscoll for coming and for his service to the City and stated that he looked forward to his counsel to helping him to do a better job.

Council Member Galloway stated that as a point of special privilege she wanted to recognize her sixth grade elementary teacher Ms. Mackey and asked that she stand to be recognized.

Ms. Robbie Strather, 1242 Wallisville Road, Houston, Texas 77013 (713-453-4387) appeared, presented information and stated that her problem had to do with recent inflicted flooding in her backyard which occurred since the buildup of the property next to hers; that the rainwater now drained into her yard instead of into the sewage; that she called the City of Houston Structural Inspector's Office last October and Mr. Isidro Perez who came and evaluated the complaint and said the owner of the property would be issued a 3-day compliance to dig a drainage trench for water to flow to the City's sewer, but after no compliance she placed

another call to the same office and Mr. Bob Godwin came out again in October.

Council Member Galloway moved that the rules be suspended for the purpose of extending time for Ms. Robbie Strather to speak, seconded by Council Member Quan. All voting aye. Nays none. Council Members Khan and Ellis absent. MOTION 2004-0276 ADOPTED

Ms. Strather further stated that Mr. Godwin came out again in October and said she should shut up and stop complaining and so she did and waited until January and then obtained railroad ties to line the area of concern to offset the water and then contacted her representative Council Member Galloway who came out and was appalled with what she saw and suggested she go to Council and that was why she was here and was requesting the City to take care of the matter immediately and get the neighbor to drain into the City sewer. Council Members Khan and Ellis absent.

Council Member Galloway stated that she had visited Ms. Strather several times and she did not know how Mr. Godwin looked at this but she did know how it looked before the flooding; that Mr. Godwin said it was her problem and she needed to dig a trench and she had advised her to come and see what the ordinances were and express her concerns. Council Members Khan and Ellis absent.

Mayor White stated that Mr. Fiederlein was present and could speak with her; and upon questions, Mr. Bibler stated that he would invite her to visit with her attorney as there were several issues involved, but two areas had City ordinances which affected the issue and one was if the property was in a flood plain area they would have needed a permit to put the fill there and Mr. Fiederlein could tell her whether it was; that secondly the plumbing laws required anyone doing drainage have it drained to the front of their property so everyone's water theoretically went to the street, but that was jurisdiction of the Planning Department who would issue the permit. Council Members Khan and Green absent.

Council Member Lawrence thanked Ms. Strather for coming and stated that one thing which needed to be looked at was code enforcement in Planning and Development, they did not have a hydrologist and many times in neighborhoods this happened with building and a hydrologist was needed. Council Member Green absent.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she was present to urge the Mayor and Council to get involved in the review and approval process of the Regional Transportation Plan currently being put out by the Houston/Galveston Area Council and a perfect time to do so would be this Friday at 9:30 a.m. when the Transportation Policy Council and Technical Advisory Council would be updated and briefed; that the plan did not help the City nor was it balanced; and urged that they attend and ask questions. Council Member Green absent.

Council Member Edwards thanked Ms. Ledvina for her work; and upon questions, Mayor White stated that he believed individuals who were the City's representatives to the HGAC at some point may want to solicit views of their colleagues and make sure the City of Houston's voice was heard; that it was worth paying careful attention to; that he would mention to Council Member Berry former METRO board member Ms. Carol Lewis had helped to prepare the 2025 Plans and was very knowledgeable and able to separate out her own views and was a very valuable professional and found her to be a very good resource; and Council Member Berry stated that he agreed on Dr. Lewis and she had never been called on without offering a wealth of knowledge; that in response to Council Member Edwards' question he did not oppose to taking it up in the meeting after next; that they did want to weigh in, it was an important plan. Council Members Quan and Green absent.

Council Member Galloway moved that the rules be suspended for the purpose of adding

Rev. Shannan Jefferson to the end of the three minute speakers, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Quan absent. MOTION 2004-0277 ADOPTED

Council Member Wiseman stated that as a representative of Council on the Houston/Galveston Area Council she agreed on the need to provide briefing information as to the activities of the Council to her colleagues; that one thing she wanted to do with the Council Governance Committee was to provide updates on those activities; that they would meet the fourth Monday of the month and if Council Member Berry agreed she would be agreeable to hold a joint committee meeting with the TIA Committee so they could have a presentation on the HGAC Plan; and Mayor White stated that he appreciated that; and if he could take something up, when people left Kingwood Drive TxDOT had shut that entrance and it backed everything up to Kingwood Drive and they could at least open it a few hours a day, but response to their request was "no"; that he knew how mindful she was and if they were having a hearing she might want to interact with some at TxDOT in a community forum where there were citizens who were knowledgeable on that issue. Council Member Quan absent.

Council Member Edwards stated that she worked with a lot of community people and would like Council to take a roll in the effort and agreed with what the Mayor said; that she thought TxDOT was arrogant and came across as non-caring to those who paid their salaries. Council Members Quan and Berry absent.

Mr. Michael Thibodeaux, 5110 TC Jester, Houston, Texas 77091 (832-752-5968) had reserved time to speak but was not present when his name was called. Council Members Garcia, Quan and Berry absent.

Mr. Thomas McKittrick, 1111 Guinea Drive, Houston, Texas 77055 (713-465-4827) appeared and stated that he was present asking the Mayor and Council to take an active interest in the transportation issues confronting this City and reviewed solutions which he felt would help which included attending the Friday meeting, asking them questions on the land to be used for the new lanes, where the extra 2,400,000 cars would park, how much rainwater would come off the new pavement and would the health of those attending schools near the freeways be affected, etc. Council Members Galloway, Garcia, Quan and Berry absent.

Upon questions by Council Member Edwards, Mr. McKittrick stated that he thought building freeways near schools did have applicability, a recent study was done by Dr. Matt Frazier, an environmental scientist at Rice University, and it indicated a higher pollution level when the Katy Freeway was expanded and there were numerous schools which were within 1,000 to 2,000 feet of the freeway's centerline and all those children would be surrounded by the additional air pollution; that Dr. Frazier would be making a presentation at the Spring Branch Memorial Library on March 30th at 7:30 p.m. of his entire study. Council Members Galloway, Garcia, Quan and Berry absent.

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-306-5716) appeared and stated that she had attended a meeting in the Office of Mobility and it was asked did Houston have a traffic problem or a construction coordination problem and it did seem a lot of money and time could be saved if the projects were planned better, earlier and involved the public from the start; that it seemed as stewards of the City the Mayor and Council should ask if the right infrastructure for Houston was being planned the right way and at the right time; that transportation infrastructure was one of the largest public investments and had monumental impact on the shape and quality of the City and the quality of life on those who lived here and they needed to ask questions on what the extra miles of road would do to flooding and air quality, why was transit funding being cut; and urged they all read the document and attend the meeting Friday and the upcoming hearings. Council Members Galloway, Garcia, Quan and Berry absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of extending time for Ms. Robin Holzer to speak, seconded by Council Member Holm. All voting aye. Nays none. Council Members Galloway, Garcia, Quan and Berry absent. MOTION 2004-0278 ADOPTED

Ms. Holzer stated that she urged them to attend the two public hearings and hear what the organizations had to say and she urged the representatives to the HGAC from this body to not vote to approve the plan until they were truly comfortable they were funding the best for Houston. Council Members Galloway, Garcia, Quan and Berry absent.

Mr. Elbert Robertson, 3429 Coyle, Houston, Texas 77003 (713-229-8983) appeared and stated that today he was present with Bible answers to today's questions and Bible solutions for today's problems; that he was pleading today for the poor and needy, those under the bridge and simply without; that the Lord entrusted us with his word to proclaim and defend; that veterans were some of those under the bridges now, they defended our freedom and came back to nothing; that most left and went to the service because they were poor and wanted a better life, yet when they came back there was nothing and those poor and under the bridges needed help. Council Members Galloway and Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Galloway and Berry absent.

Ms. M. Nelson Zamora, 448 Harvard, Houston, Texas 77007 (713-861-0002) appeared, presented information and stated that she was present in February and passed all a pamphlet regarding Code Section 42-213, which concerned the unconscionable wrought put upon those of the 400 and 500 blocks of Harvard in the Houston Heights, zoning and discrimination which was instigated and conspired by the City's Planning and Development Department, Mayor Brown, Mr. Litke, etc., she was told they had the 51% approval to pass the code, but as she stated before it was a fabrication and because of that code she had lost several prospective cash buyers for her property; and urged the Mayor and Council stop the waste of future tax monies and vote no. Council Members Galloway, Goldberg and Berry absent.

Ms. Terri Sturling, 1816 N. Macgregor Way, Houston, Texas 77023 (713-928-6273) appeared, presented information to some Council Members and stated that she lived in the Idlewood Subdivision and was present with a complaint on the 311 help line; that last November Brays Bayou overflowed and she called the 311 help line regarding three to six inches of mud build-up directly in front of her home and requested a cleanup service and was assigned a service request order; that after finally calling her Council Member she had action within 24 hours and was told street sweepers would follow, but to date she still had a problem and with it unable to drain properly when it rained they now had mosquitoes and it was unsightly and messy and was only asking to have the street cleaned. Council Members Galloway, Goldberg and Berry absent.

Council Member Edwards stated that she was sorry for her problems; and upon questions, Ms. Sturling stated that she did not know how many representatives were at the 311 help line, but it seemed a call was put into a system and they were given a date, but there was no means of follow-through and she would propose some type of central taskforce, a breakdown where supervisors were required to follow-through; that after a week or ten days it was closed and your case number could not help you and no one could tell you why it was closed. Council Members Galloway and Goldberg absent.

Council Member Edwards stated that she saw three service numbers for the same problem and that seemed problematic, maybe Mr. Fiederlein could explain how that happened; and Mayor White stated that was a good point; that Mr. Fontaine had been working with him on some aspects of 311 and he would make two points; that he did not know where they were in

terms of resources on street cleanup after flooding and on the 311 they did institute a procedure where they would go back and audit the results, but when people thought they were closed and should not be he would like her to explore that with his staff. Council Members Galloway and Goldberg absent.

Mr. Clarence Gatterson, 14614 Gobber, Houston, Texas 77015 (713-451-0579) appeared and stated that everyone must pray and make a better world; that prayer was the answer to the problems all over. Council Members Galloway and Goldberg absent.

Mr. Lorn Lee Vasquez, 1704 Weber, Houston, Texas 77007 (713-864-5667) appeared and stated that Homelessness was a result of tragic circumstances in ones home life; that many times it attacked without warning and TFG was attacking back and consisted of four divisions, building, peace and security, financial and planning; that attacking homelessness was a 24/7 job; that TFG looked forward to working with officers who would see relief, but in order to begin building they needed a packet from 3300 Main and they were being held back. Council Members Galloway, Goldberg and Edwards absent.

Ms. Evelyn Merz, 7095 Santa Fe Drive, Houston, Texas 77058 (713-644-8228) appeared and stated that she was present representing the Sims Bayou Coalition and was requesting the assistance of the Mayor and Council to follow-through on a commitment they made in 1999 when they agreed to partner with the US Army Corp of Engineers to create the Sims Bayou Recreation Plan where the main feature was a fourteen mile recreation trail connecting a number of city parks; that there had been a need for a local sponsor and in April 1999 Mr. King, Director of Public Works wrote to the District Colonel and stated the City's commitment to be that sponsor; that the project cooperation agreement was to be signed in about a year and the City put in funds into the CIP to take care of expenses, but the problem was it was now 2004 and the City still had not signed that agreement and that was what was needed and the Corp would not be satisfied with anything less; that she understood from Council Member Alvarado and Department of Public Works the Legal Department was reviewing that agreement; that it was vital the review process and project cooperation agreement be sent off. Council Members Galloway, Goldberg, Edwards and Berry absent.

Council Member Alvarado moved that the rules be suspended for the purpose of extending time for one minute for Ms. Evelyn Merz to speak, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg, Edwards and Berry absent. MOTION 2004-0279 ADOPTED

Ms. Merz further stated that she learned from the Corp no other work would be done on the recreation plan until the City followed through and urged the City to not lose site of such an important project and see it through, otherwise the citizens would lose a tremendous recreational opportunity and the City would lose an opportunity to leverage its funds; that Parks was getting a grant of \$1.4 million and this particular plan was the lynchpin of the grant. Council Members Galloway, Goldberg and Berry absent.

Council Member Sekula-Gibbs stated that they just had a discussion at committee regarding development of bayous into a green network of parks and invited her to those meetings and asked that she get a summary of what transpired at the meeting; and upon questions, Council Member Holm stated that they were expanding and would like to include her in the mail outs for the meetings which were held on the second Tuesday of each month. Council Members Galloway, Goldberg and Berry absent.

Mayor White stated that it would be in the CIP and would ask the Assistant Agenda Director to see if the agreement could be on the Agenda in April. Council Members Galloway, Goldberg and Berry absent.

Mr. Cole Dare, P. O. Box 524092, Houston, Texas 77052 (281-536-6282) had reserved

time to speak but was not present when his name was called. Council Members Galloway, Goldberg and Berry absent.

Ms. Elaine Gaskamp, 9315 Petersham, Houston, Texas 77003 (832-423-9671) appeared and stated that she was president of the Greater Fondren Southwest Super Neighborhood 36 and was present with a pleasant experience; that they had 97 apartment complexes and a developer wanted to obtain \$13.7 million tax exempt bonds from the Texas Department of Housing and Community Affairs, but through their meetings and with support from Ron Wilson, Chris Bill and Mayor White they were able to defeat the project; and she and those with her, who she asked to stand to be recognized, were present to thank Mayor White for his letter of support. Council Members Galloway, Goldberg and Berry absent.

Mayor White stated that the Mayor and Council could not do their jobs if not for people like them; and he thanked them for their work. Council Members Galloway, Goldberg, Wiseman and Berry absent.

Mr. Robert Sampson, 1716 Northfolk #22, Houston, Texas 77098 (713-526-0987) appeared and stated that he was present to speak on Ervan Chew Park which was next to his residence and previously known as Dunlavy Park; that previously the Neartown Little League fenced in a large portion of the park and Council Member Edwards had a meeting where citizens expressed concerns and they were assured the gates would remain unlocked, but now they remained locked and Ms. Gustin, the information officer, at Parks and Recreation called him and said it would remain locked and was only available by permit and that would only be for the Neartown Little League; that they were now building a ten foot wide structure thirty five feet deep for storage, concession stand and sound system; that the park was now closed to those who lived there and he wanted to know when it would stop. Council Members Galloway, Goldberg and Berry absent.

Council Member Edwards stated that they were having another meeting regarding the park tomorrow night because of some of his concerns; that she thought the agreement was clear and if someone was in violation then they needed to know about it; that the challenge was the park was developed when a different demographic was there and now there were more children, but no private entity could take over a City park. Council Members Galloway, Goldberg, Garcia, Alvarado and Berry absent.

Council Member Holm stated that all green space was so tight and there were such demands for it, but she wondered if it would be appropriate for the Quality of Life Committee to look at policies and usage because they heard over and over that agreements were made and then changes took place; and Mayor White stated that it would be an excellent undertaking and he was somewhat optimistic about finding money for the space as opposed to staffing levels associated with it so when little leagues, etc., took care of and maintained them it was a great undertaking. Council Members Galloway, Goldberg, Garcia, Ellis and Berry absent.

Council Member Quan stated that he knew the little league organization well and they invested over \$100,000 which they raised themselves to develop the park and it was in great shape, but he did agree if the agreement was in violation it should be investigated. Council Members Galloway, Goldberg, Garcia, Ellis and Berry absent.

Council Member Edwards stated that when they were looking at surplus land in Houston one thing she would like looked at is whether some of it and some of the abandoned properties and so forth could be looked at for parks. Council Members Galloway, Goldberg, Garcia, Ellis and Berry absent.

Mr. James Adams, 8900 Glencrest, Houston, Texas 77061 (713-643-3436) appeared and stated that John F. Kennedy had a statement which impacted his class, "Ask not what your country can do for you, but what you can do for your country." And that stayed with him; that he

spent five years in the Marines in Vietnam and ten years in the ministry and twenty five years of marriage with two sons in college, but thought he had still not done enough and was incomplete; that he was seeking a job not for pay, but for personal satisfaction and felt in this area of over 5,000,000 he felt he could help and be complete; and asked Council to look at his name and if they felt he was serious perhaps they could talk later and discuss it in detail. Council Members Galloway, Goldberg, Garcia, Ellis and Berry absent.

Ms. Sarah Kheman, 3400 Timmons #41, Houston, Texas 77027 (713-627-7511) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Ellis and Berry absent.

Mr. Wayne Whatley, 7320 Brownwood, Houston, Texas 77020 (713-676-1645) appeared and stated that he was tired of getting a knife in his back from Council Member Garcia and his predecessors regarding a beer joint he had to listen to three to four nights a week; that police had been out and it had been going on over five years; that he wanted his peace and quiet; that he exceeded the feet for noise in the pertaining ordinance and wanted something done. Mayor White, Council Members Galloway, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he did not know the full history of the location, but imagined Chief Thaler would have backup on it and asked for a briefing on that location to see how they could respond. Mayor White, Council Members Galloway, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that if the Administration would check with the Police Department she would like a briefing on the noise ordinance and how the department approached it with respect to establishments versus vehicles as it was amended to address vehicles also. Mayor White, Council Members Galloway, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Leonard Vicario, 7014 Fox Knoll Lane, Humble, Texas 77338 (281-446-7057) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Charles Reed, 49 Trail Lake Drive, Houston, Texas 77045 (713-434-9133) appeared and stated that he was present regarding a deed restriction violation; that in 1974 he bought a home and never received deed restrictions, but there were carports in the neighborhood and he asked around to see if it was okay and was told as long as it was a designer type it was okay so he put one up, but now after twenty years he has found it was against deed restrictions and the City Legal Department was asking it be taken down; that others were being asked to take theirs down also though there were other violations around such as fences, etc.; and he was asking for some help. Mayor White, Council Members Galloway, Goldberg, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that if a deed violation was in place after five years it was not to be challenged; and upon questions, Mr. Bibler stated that he sympathized with them, however, they tried to aggressively enforce deed restrictions and because the City was enforcing instead of a private party the courts rules the statutes of limitations did not apply; that if council wanted to change its policy and tell them not to go after situations they could go after, after some period of repose they would certainly change their approach; that the issue was not that he had a carport they would not go after someone for that, but the problem was it was across the setback line, if it was behind the setback line they would have left it alone; that what happened was they received a complaint regarding setback so they surveyed the neighborhood and found numerous violations; that if only a portion of the carport was over the setback they could just take that down and leave the rest, but if setback lines were lost in the neighborhoods you started having front loader condos, etc., in there; that he did not know if in 1974 the Building

Code would have even required a permit to build. Mayor White, Council Members Galloway, Goldberg, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she would like to know from the Administration who would be responsible, if you were building a carport did you need a permit and if the process was in place when Mr. Reed and others did so and if they did why was the permit granted; and Mayor Pro Tem Alvarado stated that they had been complaining about that for two years and there seemed to be inconsistency and she would guess it went to the Planning Department. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she was not saying the person who filed the complaint was not right in doing so, but the issue to her was process regarding the city; and upon questions, Mr. Reed stated that he did get a permit from the city and an inspector came out when they poured the concrete. Council Member Edwards stated that she was a strong proponent of deed restrictions and zoning but if people were trying to obey the law and then it still didn't work she did not know what was to happen, but would work on it with the community. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm moved that the rules be suspended for the purpose of extending time to discuss remarks of Mr. Charles Reed, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0280 ADOPTED

Upon questions by Mayor Pro Tem Alvarado, Council Member Edwards stated that they did not know where the complaint came from, the civic association said they had not filed as a group, but she was not concerned with who filed, but the process. Mayor Pro Tem Alvarado stated that it was a legitimate concern because some neighborhoods caught it as it was under construction and they complained, but then the city did not get out in time. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Sekula-Gibbs, Mr. Bibler stated that they would have to construe the individual deed restrictions for the neighborhood to determine what, if any, amendment processing would exist and it could be a dozen different things depending on who wrote it and what it said; that the Legal Department would not become actively involved in taking something out of their deed restrictions, but if it appeared the neighborhood itself was involved and there was actively a process he would assume they would forbear legal action for a couple of months and it was his understanding Mr. Reed and others had asked for a thirty day extension which they would be glad to grant, however, they were not in the business of helping people make their deed restrictions less effective, but they were helping neighborhoods to get their deed restrictions going again. Council Member Sekula-Gibbs stated that they were trying to change things and get a generated report for citizens as to whether they had deed restrictions and that could save time and money. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Holm, Mr. Bibler stated that the City responded on deed restrictions of certain types, they did not respond on others such as color of paint or carport, but people did take setback lines seriously and those were enforced and that was the issue here. Council Member Holm stated that she was wondering if something like setback could also be done through the civic clubs and it confused her as to why someone could just call the City and then they chose to take on such challenges; and Mayor Pro Tem Alvarado stated that her committee took that on before and it probably should be revisited. Council Member Holm stated that she would welcome the opportunity. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that many civic clubs did not have money for legal help and they would come and petition the City for that; and upon questions, Mr. Bibler stated that she was correct and as he said earlier they were at Council's disposal and if they did not want setbacks enforced any longer they could just change the ordinance and it would be stopped, but he encouraged them to examine the ramifications of that because setbacks was what kept them from having bungalows next to high-rises and such and it was very important to some neighborhoods to have that preserved. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that her issue was not setbacks as that was a very valuable tool her issue was fairness. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Rev. Shannon Jefferson, who was previously added to the speakers list, appeared and stated that he was present with concerns and issues and they were in District H and tired of making calls and not having them returned; and also if Bowie School was torn down he did not want it left a vacant eyesore in front of his church and would like a community center there; and upon questions, Council Member Garcia stated that he had been talking to Mr. Evans their super neighborhood president and Mr. Evans was not aware of what the different issues were; that this issue was not presented, but he would be happy to follow-up with him after the meeting. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. William Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was present on his crime victim case and continued expressing his personal opinions until his time expired. Mayor White, Council Members Galloway, Goldberg, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that the republican and democratic parties were guilty and continued expressing his personal opinions until his time expired. Mayor White, Council Members Galloway, Goldberg, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 4:23 p.m. City Council recessed until 9:00 a.m., Wednesday, March 24, 2004. Mayor White, Council Members Galloway, Goldberg, Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 24, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Sara Culbreth, Deputy Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney and Ms. Marty Stein, Agenda Director present.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 a.m. Mayor White reconvened the meeting of the City Council. Council Members Goldberg and Berry absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 59**

#### **MISCELLANEOUS** – NUMBER 2

2. RECOMMENDATION from Director Department of Finance & Administration and the Office of the City Controller for payment of \$225,273.00 to the **INTERNAL REVENUE SERVICE** for Arbitrage Rebate Liability on Public Improvement and Refunding Bonds Series 1999A and Certificates of Obligation Series 1999B – was presented, moved by Council Member Galloway, seconded by Council Member Green. All voting aye. Nays none. Council Members Goldberg and Berry absent. MOTION 2004-0281 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 5 through 11

5. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$1,956,690.83 and acceptance of work on contract with **JALCO, INC** for International Services Expansion Program, East Sanitary Sewer Collection System at George Bush Intercontinental Airport (IAH), Project No. 500K, CIP A-0449 - 02.39% over the original contract amount **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0282 ADOPTED.
6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$1,649,938.20 and acceptance of work on contract with **METALS TREATMENT TECHNOLOGIES, LLC** for Firing Range Removal at George Bush Intercontinental Airport (IAH); Project No. 522L, CIP A-0462 - 08.22% under the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0283 ADOPTED.
7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$13,416,520.68 and acceptance of work on contract with **W. W. WEBBER, INC** for Economy Parking Lots Upgrades at George Bush Intercontinental Airport, Project No. 507, CIP A-0235 and A-0358 - 04.30% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0284 ADOPTED.
8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$21,487,377.67 and acceptance of work on contract with **W. W. WEBBER, INC** for Construction of Taxiway "NC" and Rehabilitation of Taxiway "WE" at George Bush Intercontinental Airport (IAH), Project No. 539B, CIP A-0395 and A-0397 - 01.64% under the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by

Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0285 ADOPTED.

9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$7,303,670.92 and acceptance of work on contract with **W. W. WEBBER, INC** for Airfield Pavement Repairs and Drainage Ditch Improvements at George Bush Intercontinental Airport/Houston; Project No. 541, CIP A-0063, A-0366, A-0392 and A-0416 - 06.54% under the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0286 ADOPTED.
10. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$7,962,925.71 and acceptance of work on contract with **W. W. WEBBER, INC** for New Cargo Facilities, Taxiways and Drainage Improvements at George Bush Intercontinental Airport (IAH), Project No. 561, CIP A-0116 and A-0392 - 02.28% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0287 ADOPTED.
11. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$1,251,958.66 and acceptance of work on contract with **JERDON ENTERPRISES, L.P.**, for Westside Wetlands Mitigation in the vicinity of Morton Road & Nieman Road in Waller County, Texas, Project No. 586; CIP A-0475 - 04.68% over the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0288 ADOPTED.

**PROPERTY** - NUMBERS 13 and 16

13. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and file objections to the Award in connection with eminent domain proceeding styled City of Houston v. MSW-NSE Real Estate Ventures, Ltd., a limited partnership, et al., Cause Number 803,906; for acquisition of Parcel CY2-007 for the **PORTWEST LIFT STATION PROJECT**, CIP/GFS R-0267-07-1 **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0289 ADOPTED.
16. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel BY2-001, located at 3300 Simsbrook, owned by Joseph Hung Nguyen, for the **TOWNWOOD PARK EXPANSION PROJECT**, CIP F-0206-58-1 - \$221,659.00 - Park Special Fund - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Alvarado, seconded by Council Member Holm. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0290 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 16 through 24

18. **AAR INCORPORATION** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning & Development Department - \$26,240.00 and contingencies for a total amount not to exceed \$27,552.00 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0291 ADOPTED.
19. **AAR INCORPORATED** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning & Development Department - \$96,180.00 and contingencies for a total amount not to exceed \$100,989.00 - Dangerous Building Consolidated Fund – was

presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0292 ADOPTED.

20. **HAZARD ASSESSMENT LEADERS, INC d/b/a HAL, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Planning & Development Department - \$140,183.00 and contingencies for a total amount not to exceed \$147,192.15 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0293 ADOPTED.
21. **AAA DEMOLISHING** for Demolition Services for Planning & Development Department \$86,750.00 and contingencies for a total amount not to exceed \$91,087.50 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0294 ADOPTED.
22. **SHIMADZU SCIENTIFIC INSTRUMENTS, INC** for One Gas Chromatograph/Mass Spectrometer System from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - \$51,368.85 Asset Forfeiture Fund – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0295 ADOPTED.
23. **AMEND MOTION #2001-340, 3/28/01, TO EXTEND** expiration date from May 1, 2004 to April 30, 2006, for New Fire Extinguishers Contract for Various Departments, awarded to **TEXAS FIRE CONTROL, INC** – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0296 ADOPTED.
24. **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Earth Moving Equipment, Trailers and Sweeper through the Interlocal agreement for Cooperative Purchasing for Various Departments \$847,182.89 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Holm, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0297 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 27 through 56

27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Rosamond Street right of way and two 10-foot-wide sanitary sewer easements containing an aggregate of 40,925 square feet of land, more or less, Parcels SY1-093A, SY1-093B and SY1-093C; all three easements being located in the A. C. Reynolds League, Abstract Number 61, Houston, Harris County, Texas, vacating and abandoning Parcels SY1-093A, SY1-093B and SY1-093C to Austin Trust Company, Austin, Texas, as successor Independent Executor of the Estate of William M. Dickey, Deceased, and as Trustee of the Testamentary Trusts arising under the last will and testament of William M. Dickey abutting owner in consideration of owner's and Catherine Wiley Lippincott, Thomas Merritt Lippincott and Austin Trust Company, successor trustee of the William Thomas Dickey Children's Trust and William M. Dickey, III, Children's Trust's dedication of four street right of way easements, one sanitary sewer easement, and one fire hydrant easement containing an aggregate of 9,075 square feet or land, more or less, and payment of \$868,662.00 and other consideration to the City - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0190 ADOPTED.
28. ORDINANCE establishing the south side of the 1400 block of Michigan Street within the

City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0191 ADOPTED.

29. ORDINANCE establishing the east and west sides of the 400 and 500 blocks of Harvard Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0192 ADOPTED.
30. ORDINANCE establishing the east and west sides of the 1600 block of Arlington Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0193 ADOPTED.
31. ORDINANCE establishing the east and west sides of the 4000 blocks of Oakridge Street and Norhill Boulevard, and the east side of the 1200 block of Studewood Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0194 ADOPTED.
32. ORDINANCE establishing the north side of the 500 through 900 blocks of Bayland Street and the south side of the 600 and 800 blocks of Bayland Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0195 ADOPTED.
33. ORDINANCE establishing the east and west sides of the 4600 blocks of Pineridge, Michaux and Kermit Streets within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0196 ADOPTED.
34. ORDINANCE consenting to the addition of 53.528 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0197 ADOPTED.
35. ORDINANCE consenting to the addition of 0.5477 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0198 ADOPTED.
36. ORDINANCE consenting to the addition of 6.03 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0199 ADOPTED.
37. ORDINANCE consenting to the addition of 70.597 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0200 ADOPTED.
53. ORDINANCE approving and authorizing amendment to interlocal agreement; Contract

No. 54768 (authorized by Ordinance No. 2003-0199) between the City and **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Drainage Improvements along Ward Boulevard, CIP M-0242-08-3 (SM5045) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0201 ADOPTED.

55. ORDINANCE appropriating \$256,045.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing a Developer Participation contract between the City of Houston and **K. B. HOME LONE STAR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One - Phase A of the Autumn Glen Subdivision, CIP S-0800-B2-03 and R-0800-B2-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0202 ADOPTED.
56. ORDINANCE appropriating \$160,000.00 out of Water & Sewer System Consolidated Construction Fund and \$120,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing a Developer Participation contract between the City of Houston and **MAJESTIC HOMEBUILDERS, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Majestic Estates Subdivision, CIP S-0800-B6-03 and R-0800-B6-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-0203 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment of **MR. HAROLD L. HURTT** for the position of Chief of Police for the City of Houston – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-0298 ADOPTED.

Mayor White stated that they were privileged to have present Chief Hurtt and invited the Chief to podium, that he wanted to say on behalf of every Member of Council, and the citizens they represented, thank you to Chief Breshears and the command staff, many of whom were present in the audience and asked that they stand and be acknowledged. Council Member Berry absent.

Chief Hurtt stated that it was indeed an honor for him to be selected to lead the Houston Police Department, that he had an opportunity to talk to many of the staff, some of the officers and support staff and they had a great organization, that his goal and hope was to move policing in Houston to the next level, that they may be fourth in size in the Country, but they would be number one in safety, and he knew he would have the support of each Council Member and he offered his total commitment to the City of Houston and would have open lines of communication to the Mayor's office as well as to the Members of the Council and they should feel free to call on them anytime with any question, any time of day and they would be glad to cooperate fully with the Mayor and Council and of course they also intended to enhance their partnership with the community and the fact that they knew the Houston Police Department could not be successful without the support of the community, that he promised he would make Houston, along with the other great men and women of the Houston Police, the safest major City in the Country.

Mayor White and Council Members Edwards, Galloway, Lawrence, Garcia, Khan, Green, Sekula-Gibbs, Alvarado and Holm congratulated Chief Hurtt on his appointment and that they looked forward to working together with him.

Mayor White stated that one thing he learned in spending a lot of time on policing and consulting with people within the department and throughout the Country that he had shared with Chief Breshears and others within the senior command staff and with the rank and file was that the Houston Police Department was well regarded in the Country, that they were an attractive City for police and police leadership, that he knew it was their commitment, that public safety was the first commitment of municipal government, they were committed to make sure that the men and women in uniform were well paid, fairly compensated, trained well and equipped well, that he would tell them that in the course of looking to try to find the best possible leadership of their department it should have been no surprise the tremendous talent they had within the Houston Police Department, that with no disrespect to any individual outside of their City he would say there were a number of people, both on the command staff and below, who were of the caliber that they find with the major city police chiefs, that some of his colleagues may know that Chief Hurtt was elected to head the organization, he heads the organization of major city police chiefs of the 60 largest cities in the Country, that he would say to those with Chief Hurtt, who he had gotten to know and respect in his job, that they count on them to make sure the transition was good for the public, that the Chief would have the authority to pick his command staff and he made decisions after giving people an opportunity within Phoenix, that he had a style of delegation in giving people clear direction and then holding people accountable but letting them do their job, and that was a feature that the Houston Police rank and file wanted and he thought Chief Hurtt would be perfect and that style of leadership would be perfect with the excellent staff and rank and file they had at HPD.

3. RECOMMENDATION from Fire Chief to approve the donation of Outdated/Surplus Firefighting Equipment to "Sister City" Guayaquil, Ecuador – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0299 ADOPTED.
4. RECOMMENDATION from Acting Chief of Police for allocation of funding for Forensic DNA Analysis Services as follows - Asset Forfeiture and Grant Funds:
  - IDENTIGENE, INC.** - \$300,000.00
  - ORCHID BIOSCIENCES, INC.** - \$500,000.00
  - was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Alvarado. Council Member Galloway absent.

Council Member Sekula-Gibbs asked if the Chief would be giving them a briefing, whenever he had a chance to catch up, on the level of activity regarding certification in the Crime Lab and DNA Lab as well and did they have any idea of the timeframe on the update. Council Member Galloway absent.

Mayor White stated that yes, he thought it would be an appropriate report to be made to the Public Safety Committee, that the Chief had some experience in turning around a DNA Lab, that it was a topic of conversation with Council Member Garcia, so yes was the answer to the question. Council Member Galloway absent.

Council Member Garcia stated that while they did get a briefing at the last Public Safety Committee meeting on some of the issues in terms of the status of the lab, but he would be inviting the Chief to attend, as soon as he got his feet on the ground, to give them a full briefing not only on the Crime Lab but on some other general issues of the Houston Police Department, his sort of assessment and vision for their Public Safety direction, that he wanted to commend Chief Breshears for continuing to move the process of the lab forward and also commend Director Rios for her steadfast hand on making sure that items were moving forward so they could move their DNA Lab back to a level of respectability, that he was encouraged by the progress he had heard. Council Member Galloway absent.

Council Member Sekula-Gibbs asked that when the matter did come to some resolution

that they consider giving it the full attention of the Council and that it come to the full Council so that they could hear what actually had been decided in terms of the conclusion of the Chief and how they were going to approach it because it was a matter of huge importance to all Members of the Council. Council Member Galloway absent.

Mayor White stated that he had given the Chief some direction, which was to spend the next 90 days dealing with a couple of critical issues, that the forensics in general and the DNA Crime Lab were getting community feedback and impact concerning where they were with the Police Department and budget, but was sure there would be some format they could have that would provide some information to all Council Members. Council Member Galloway absent.

Council Member Edwards stated that regarding the DNA situation she had three questions, one, the current DPS DNA situation was there any consequence to their legal system in the City or the County with what was going on with their particular lab issues, that two, the case of Josiah Sutton, the young man was allegedly convicted on evidence that was allegedly incorrect from the Houston lab, she would like to know where they were on that, and third, Council Member Alvarado brought up last year about the rape kits and so forth, she would like to know the status of those and where they were with that, had that backlog been taken care of, and Council Member Alvarado stated that she was told that with the contract for Item No. 4 that should get them caught up, but thought that some kind official report or statement was warranted and through Council Member Garcia committee would be the appropriate place to do that, and Council Member Edwards stated that she would like to have that information and Mayor White stated that they would get her the answers to her questions. Council Members Galloway and Goldberg absent.

Council Member Quan stated that besides those for the public who had been damaged by the Crime Lab they still had employees who were under suspension as well and would hope they would work closely toward instituting regulations and policies that they could depend upon, one person had their case reviewed by the Civil Service Commission and was found to have followed exactly the rules that were in place and thought her record was still tainted, and another person was suspended for six months with pay and her case was still up in the air, so the sooner they could act on it the sooner he thought they could address morale within the lab for their own employees as well as to what they should be doing and what their futures were with the City of Houston, so he would ask that they move forward expeditiously. Council Members Galloway and Goldberg absent.

A vote was called on Item No. 4. All voting aye. Nays none. Council Members Galloway and Goldberg absent. MOTION 2004-0300 ADOPTED.

### **ACCEPT WORK**

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,083,672.06 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Knollwood Village Storm Sewer Improvements, GFS M-0252-01-3 (SM5016) - 10.70% over the original contract amount - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg absent. MOTION 2004-0301 ADOPTED.

### **PROPERTY**

14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kleber J. Denny, Terra Associates, Inc., on behalf of Ronus Meyerland Plaza, L.P., a Georgia Limited partnership [Ronus Meyerland, Inc., a Georgia corporation (Robert L. Anderson, president and chief financial officer), general partner], for abandonment and sale of a 10-foot-wide water line

easement and a water meter easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, a water meter easement, and a fire hydrant easement, all located within the James D. Owen Survey, A-612, Parcels SY4-027A, SY4-027B, KY4-107A, KY4-107B and KY4-107C - **STAFF APPRAISERS - DISTRICT C - GOLDBERG** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-0302 ADOPTED.

15. RECOMMENDATION from Director Department of Public Works & Engineering to Rescind Motion #2003-1566, 12/23/03, which authorized condemnation of Parcels CY3-004, KY3-087, KY3-096, KY3-097 and QY3-002, located in the 22000 block of Pino Lane, north of Saddle Creek Farms Drive, owned by Phase III-LHF, LP, a Texas limited partnership, Steven W. Ramshur, President, for **EAST LAKE HOUSTON UNSERVED AREAS PROJECT PACKAGE III (Saddle Creek Waterline)**, CIP R-0801-04-2; **TO AUTHORIZE** purchase of said parcels - \$39,958.00 Enterprise Fund - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0303 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS**

17. **THE ORIENTAL TRADING COMPANY, INC** - \$33,000.00 minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$990.00 for a net award amount not to exceed \$32,010.00 and **S&S WORLDWIDE** - \$237,500.00 minus a commission fee (3% for Internet-based reverse auction services) in the amount of \$7,125.00 for a net award amount not to exceed \$230,375.00 for Arts, Crafts and Games for Houston Public Library and Parks & Recreation Departments - General Fund – was presented, moved by Council Member Holm, seconded by Council Member Alvarado.

Council Member Wiseman stated that the item was for two contracts to be awarded for purchase of arts, crafts and games for two departments, Parks and the Library Departments, that she was looking at the differences of how they were being funded, the Parks Department was using Object Code 2704, which was the object code they had for recreational supplies and the Library Department was using Object Code 2325, which was for Miscellaneous Office Supplies, that she took a look at that and saw that they had \$173,000 that had been approved in the budget last year for Miscellaneous Office Supplies but they had no line item for Recreational Supplies, that if it was something they used every year surely the accounting practices should be the same as with Parks where they could easily identify that those were Recreational Supplies, that there was always the concern when they go through the budget process that items and purchases would be hidden in there, they could really not see what was in there but that was why they had line items and object codes and when she asked for some information from the Library Department about using Miscellaneous Office Supplies for an object code they said they were using that because it distinguished it from their other office supply purchases, but they only had five object codes for office related purchases and that was the only one that was used for office supplies that were not paper, computer supplies, postage and printing, so they then did not get a clear picture during the budget process of how the funds were spent, that she would like to visit with a representative from F&A to see how they could clear it up and therefore she would be tagging the item.

Mayor White stated that he would ask Ms. Culbreth to make sure there was some communication with F&A so that the budget line items accurately and fairly depicted the items.

Council Member Holm stated that her question had to do with the reverse auction fees, that 3% seemed high to her and she would like for them to look at the percentage that they paid, what the standard was for the industry and truthfully if it might not be more effective and efficient for them to do it in house, that it seemed like they were paying a lot of money for those services.

Mayor White asked Mr. Wells if he could provide some information to him and Council Member Holm as well. Council Member Khan absent.

## **RESOLUTIONS AND ORDINANCES**

25. RESOLUTION designating certain property located at 1900 Kane Street in the City of Houston as Historic Landmark - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Khan absent. RESOLUTION 2004-0006 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to congratulate MECCA and all of the people who had worked so hard, particularly Ms. Alice Valdez and her team and also Council Member Garcia because it was a great accomplishment for people in his district and wished them all good work for the Multicultural Education and Counseling Through the Arts Center, that they were doing great work in District H. Council Member Khan absent.

26. ORDINANCE approving and authorizing sale to **HOUSTON INDEPENDENT SCHOOL DISTRICT** of three tracts or parcels of land containing an aggregate of 9,104 square feet, more or less with improvements, being out of the Lamar Terrace Subdivision, Houston, Harris County, Texas, Parcels S98-7, S98-8 and S98-9 for and in consideration of the conveyance to the City of Houston of six tracts or parcels of land containing an aggregate of 36,021 square feet, more or less with improvements, Parcels A97-055, V97-001A, V97-001B, V97-001C, V97-002A and V97-002B, all six parcels located in the Lamar Terrace Subdivision; establishing a credit for Houston Independent School District of \$237,755.00, subject to the terms and conditions of an interlocal agreement, and the exchanges of properties being subject to the terms and conditions of the conveyances - **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Galloway.
38. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance Nos. 1998-834 and 2002-858) to amend the Master Pay Structure by amending the City’s authorized list of job classifications by changing the pay grade of the Police Chief Classification from Pay Grade 37 to Pay Grade 39; and making certain pay provisions; deleting reference to “Police Chief (Non-classified)” from City of Houston Ordinance Nos. 2003-202 and 2003-248; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2004-0204 ADOPTED.
39. ORDINANCE awarding contract for Terrorism Insurance Coverage to **LEXINGTON INSURANCE COMPANY**; providing a maximum contract amount - \$288,612.50 - Insurance Revolving Fund **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-0205 ADOPTED.
40. ORDINANCE awarding contract for Layered General Property Insurance Coverage between the City of Houston and **WESTCHESTER FIRE INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; HARTFORD FIRE INSURANCE; ESSEX INSURANCE COMPANY; RSUI INDEMNITY INSURANCE COMPANY; UNITED STATES FIRE INSURANCE COMPANY; COMMONWEALTH INSURANCE COMPANY; UNDERWRITERS AT LLOYDS; CLARENDON AMERICA INSURANCE COMPANY; QBE INTERNATIONAL INSURANCE and AXIS SPECIALTY INSURANCE COMPANY**; providing a maximum contract amount - \$6,255,949.00 Insurance Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0206 ADOPTED.

Mayor White stated that he would ask Ms. Culbreth for a memo or briefing on the consideration they had given to their self insured amounts under the general liability and property damage coverages. Council Member Goldberg absent.

41. ORDINANCE approving and authorizing contract between the City and **JEFFERSON**

**WELLS INTERNATIONAL** for Payable Cost Recovery Services for the Finance and Administration Department; providing a maximum contract amount - \$200,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0207 ADOPTED.

42. ORDINANCE approving and authorizing contract between **MERCER HUMAN RESOURCES CONSULTING, INC** for Actuarial Valuation and Consulting Services - \$284,000.00 - General Fund – was presented. Council Member Goldberg absent.

Council Member Ellis stated that he looked forward to the information that would be provided to them from the firm and also wanted to say that the firm was only as accurate as the information that was provided to them and they needed to take a hard look at the pension systems, their staff, with the information that was being provided and suspected that the City had provided information as well, that they had to be fair to the firm and provide them with correct information and had to analyze the pension's staff and make sure they were provided them with the correct information, that he supported the Mayor 100% with the agenda item.

Mayor White stated that he personally met with the director of the Municipal Pension Board yesterday on exactly that point and the free flow of information, the Municipal Pension Board itself was in the process of hiring a new actuary that would be working somewhat on a similar timetable and deadline and wanted to assure the Council Member that they would keep abreast of the assumptions being used and making sure there was communication over the longer run and asked Ms. Culbreth to make a note for Ms. Johnson, that he thought the City would be well advised to have an FTE whose job it was to be a keeper of the model because all of those things could be modeled, it was a pretty big fee, that they did not have the capability to do their own model within the City of Houston, but given the financial consequences he thought that was probably incumbent of them to try to retain that ability and Council Members comments were very well taken.

Council Member Sekula-Gibbs stated that they recently received some documents through the mail, and Mayor White stated that yes he had received a annual report through first class mail, and Council Member Sekula-Gibbs stated that was about the limit of communication that the City Council had since she had been on Council, with the Municipal Employees Pension Board, that about the time Proposition 15 came up they got some pamphlets through the mail saying to please vote for Proposition 15 and that was about it, that in the pamphlet it did not mention the fact that there was an un-funded liability of \$1.5 billion, it was not listed in there, that she found it amazing, that she would like to say that the pension board was still not doing two things, one, reporting in a timely fashion to the members of the community who were putting into the pension, and the other thing was they were going to have to really work with the Municipal Employees Pension Board because they had done an excellent job of building a wall around themselves that would keep the City Council away and that basically did not allow the City Council to communicate with them and they had done that by removing their appointees from that board and she thought that had to change, that what she asked for at the last MOFAR presentation, was that they have a clear line item in the MOFAR that delineated what the City was paying to the pension contribution, and asked if that was going to be coming to them with the next MOFAR, and Ms. Culbreth stated that she would get with Ms. Johnson and would get her a response by the end of the day.

Mayor White stated that he recalled her request at the Council Meeting and could understand that it was very reasonable, her request for that, that in the meantime he could show her the two numbers they could multiply to derive at each number, and secondly, he would say that he appreciated her comments on the Municipal Pension Board, that when he ordered a report on the financial condition, the February 23, 2004 report, which was not a full blown actuarial report, but was sort of an analysis of the reports that had been done previously, and as part of that exercise the Municipal Pension Board, on a pretty expedited basis, did an analysis of retirements and employment history and demographics, which was incorporated so that at

least as of January there was some history of cooperation in providing the information and some of the information that was made the subject of the press accounts was information that was provided to them by the Municipal Pension Board itself, that they then incorporated into their analysis.

Council Member Garcia stated that he wanted to add his own point of emphasis on the good data, that he applauded the Mayor and also wanted to hear how they were going to move forward to make sure they were working with good, appropriate and best data so they were making accurate assumptions.

Mayor White stated that there was an understandable need for clarity on various things, that uncertainty involving the pension system was not a good thing, that what they needed to do was make sure they did not start speculating and making judgments about things like what the un-funded liability was until they had a report on it and right now there was no actuary report on the Municipal Pension System that was current, so he would just urge people not to rush to judgment and to be patient, and the action by Council in having a first class actuary take a look at it and communication between them and the pension board, and in fact the pension board was retaining its own actuary, which he thought it was a good thing they would have two solid professionals and there would be communication between them and if they had a difference of opinion the administration would be in the middle of that so that they could sort it through so they would not trivialize concerns if they were there or would not exaggerate concerns that were there, that he appreciated those comments.

Council Member Goldberg stated that the fact that they had Item No. 42 where they had to get their own actuarial and consulting service and the fact that the Mayor was committed to putting one FTE on it clearly and openly says that they did not trust them anymore and had no faith in them and thought that was well placed, that he thought they needed to go further and figure out how they got into that position and knew that in the Charter they had subpoena powers, that he had written a letter to Mr. David Long with a lot of questions and had not gotten any answers, that they needed answers to the questions to figure out where they had gotten and thought it was time they took advantage of the City Charter and subpoena those people to come either in front of the full Council or the Fiscal Affairs Committee and answer their questions under oath and hoped the Legal Department would look into figuring out how to subpoena them to answer all the questions they had.

Mayor White stated that the action Council would take if they voted to retain the actuarial firm and the actions they would take over the next weeks in coming up with a picture of where they were would be a basis for deciding where they go from there, that on the issue of trust over the long run it was not good if there was distrust or antagonism or stone wall on either side between the City and the Board of the Municipal Pension System and they were going to have to both work to make sure that did not occur.

Council Member Edwards stated that at the Fiscal Affairs discussion she asked for an investigation of the pension board and hopefully that would come about, that one of her questions was that the firm that was being hired, if the item passed, if they came up with different assumptions and so forth how would they determine which one they were going to use or was that a cut and dry procedure, how would they do that process wise, would it be brought back, she did not know how that analysis was made and which one was correct.

Mayor White stated that he thought it would depend on the nature of the different assumptions and sometimes they could draw different conclusions from the data, that he would assure her that he and the people working within the administration would be fully engaged in trying to understand if there were different assumptions, what assumptions were reasonable, and they would do their best to explain in plain English what the significance of different assumptions were.

Council Member Edwards stated that in the way they interacted with their lobbyists, she would like to have a closer relationship with understanding of what they did and how they reported to the City and how they received that information from them, that she was not blaming, but was saying that they could have had a better and clearer understanding of what Proposition 15 meant to them, in that regard she thought it would have been helpful to them, and asked if they passed the item and the company came back with a different analysis did they automatically go with their analysis, who made that decision.

Mayor White stated that there was a short run and long run consequence of what they come up with, the short run, what they put in the 2005 budget, that decision would be made by the Mayor and it would be made in dialog with his colleagues and it may require some meet and confer negotiations with the Municipal Pension Board, that he had sort of laid down a marker, which was that the City could not, in one year, pay more than it could afford to pay and he was not going to eliminate entire departments of the City government or things like that for what could be a one year phenomenon, that he would also, from time to time, over time, pension assumptions change so that the way to react to pension funds or unfunded liabilities or surpluses in pensions was not to take rash action in one particular year, because those things could change over a particular time, so in answer to her question the Mayor would make a decision, that the longer run, if there was a significant gap between the long run obligations and the sources of funding then they needed a plan to deal with that the purpose of which was to give people assurances that their pensions were secure.

Council Member Edwards asked if the pension board memberships up for review or expiration or replacement and Mayor White stated that he would ask Ms. Cabral for some information that could be done in a memo form to Council Members concerning the individuals who occupied the positions and when the terms were up, etc.

Council Member Edwards asked on the special election coming up was the Council going to have the decision on the amount of money paid for ad campaigns, what was their role going to be in that, and Mayor White stated that he did not know if they legally could but if they could they should not spend a penny, that he knew there would be a committee that would be chaired by Mr. Jack Blantan, with Judge John Kyles as Treasurer, a committee form, but independent of City government.

Council Member Wiseman asked F&A to provide her with information on expenditures to date for Fund 100, Department 99, Object Code 3335, and if they could also provide for her in all those expenditures the organization codes and a complete list of organization codes citywide. Council Member Ellis absent.

Council Member Galloway stated that she knew it was perhaps good for the City to have another analysis done on the pension but did not know if they had taken into consideration as to maybe why they were going to be in debt in the pension fund, they did have a large drop in the stock market and every government entity was affected, the State had a large deficit as well for their employees in the pension and the teachers had one about two or three years ago when the bottom fell out, so it should not be a surprise why they were in the predicament they were in, and as far as their legislators passing the bill for the City to opt out, after Enron she thought that was the reason the Mayor wanted to protect the employees on their investment, but they were just in bad economic times so they were not getting very much return on their investments so that was another reason, that she felt that their lobbyists kept them informed, they had the Legislative Committee, chaired by Council Member Alvarado and were always apprised as to what was going on in the Legislature and did know what bills were up there and they did report back to them and thought they had some very good lobbyists for the City and they always sent them written reports as well, that they were very responsive to the City in giving out information, but she thought if they really looked deep they would find a lot of the problems were because they did not get the returns on their investment and that was where they lost and that was the reason they were in the hole, but was sure that perhaps it would come out in the consulting firm

that they were wanting to recommend. Council Member Edwards absent.

After further discussion by Council Members, Council Member Galloway moved to call for the question, seconded by Council Member Green. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0304 ADOPTED.

A vote was called on Item No. 42. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0208 ADOPTED.

43. ORDINANCE appropriating \$308,000.00 out of Airport System 1998B AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon, out of Greenview Manor Section Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-24.1; approving purchase and sale agreements with the owners of the land (Anna H. Crawford; Charlotte Ann Feletoa and Mele K. Feletoa; and Jose R. Zuniga and Francisco Zuniga) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0209 ADOPTED.
44. ORDINANCE appropriating \$631,000.00 out of Airport System 2000B NON-AMT Construction Bond Fund; authorizing purchase of certain tracts of land and improvements thereon out of Greenview Manor Sections One and Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-25.1; approving purchase and sale agreements with the owners of the land (Troy O. Blair, Jr. and Tracy L. Blair; Barbara Eickenhorst; Oscar Evans, Mariana Evans, Geary Evans and Marlene Evans; Arthur Garcia Gonzales; Edward Hurtado and Stella Hurtado; Barbara Barclay Millican and Artie Paul Tropoli) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0210 ADOPTED.
45. ORDINANCE approving and authorizing amendment No. 1 to Automobile Rental Concession Agreement at William P. Hobby Airport by and between the City of Houston, Texas and **SOUTHWEST-TEX LEASING CO., INC d/b/a ADVANTAGE RENT A CAR; AVIS RENT A CAR SYSTEM, INC; BUDGET RENT A CAR SYSTEM, INC; DTG OPERATIONS, INC d/b/a DOLLAR RENT A CAR; ENTERPRISE LEASING COMPANY OF HOUSTON; THE HERTZ CORPORATION; VANGUARD CAR RENTAL USA INC** operating its brand **NATIONAL** and **DTG OPERATIONS, INC d/b/a THRIFTY CAR RENTAL** - **DISTRICT I – ALVARADO** – was presented. Council Member Edwards absent.

Council Member Ellis stated that he had a few questions and would end up tagging the item, that in the RCA it talked about the minimal annual guaranty or a percentage of gross revenue, which ever was greater and would request that somebody tell him what the minimal annual guaranty was, and secondly, he looked at the different rental car agencies and knew that a few of them owed the City enormous amounts of dollars with regards to parking tickets, that if they wanted to be a partner they needed to help the City in collecting the parking ticket revenues, that there was a simple solution, that when he went out of town he used his credit card when he rented a car and if he got a parking ticket in the City of Denver a month later all of a sudden it showed up on his credit card, if he wanted to fight it he could go back and fight it, that he did not understand why the City of Houston did not have such an agreement, that there were going to be a lot of changes, that he knew the toll road authority was having problems with rental car agencies as well, that as they moved forward and amended the contracts he thought that the rental agencies needed to step up to the plate and work with the City, that he was going to tag the item and those were two issues he would like to discuss further with either the Legal Department, Municipal Courts or Aviation, that he did not know which was the correct department, and Mayor White stated that he thought Municipal Courts could respond and thought that was a legitimate issue that Council Member Ellis raised and would communicate

that to the City Attorney and Mr. Hall, the CAO, who had been involved with it as well as the Director of Municipal Courts.. Council Member Galloway absent.

Council Member Berry stated that the City of Houston just got whipped in a lawsuit against Enterprise, among others, that they got involved a couple of years ago right after he got on Council to try and help the rental car companies deal with the City of Houston, that they spend on average 15 to 20 FTE's dealing with the City of Houston requests, so he went over to their warehouses and started looking at them and there were three or four requests for the same bill that the City had been sending to the rental companies and that would be okay except for the fact that it was paid after number one, so they had 15 to 20 full time people whose job it was to show the City that the City had made an error, that they begged the City, that they would pay for somebody who would just be a quality control person and Municipal Courts had just been absolutely hard headed and refused to deal with them so they litigated and took it to court and they absolutely whipped the City and it was ugly and if they read the ruling in Judge Dorfman's court it was not nice and the City had to change their system period, that he did not know if they were going to appeal that decision or not, but he had multiple meetings with Municipal Courts and could not be more disappointed, that it was ruled that they could not require the rental companies to charge the tenants because number one, some of the people rented cars in cash so the rental companies had no way to do it, and number two, the insurance companies would not do it, that the rental car companies wanted to make it work and wanted to be a partner and they had a great plan, that he hoped they would go forward with a business friendly way for the City to raise more money and cause a lot less headache to their partners. Council Member Galloway absent.

Council Member Alvarado stated that the Council had asked the Municipal Courts to resolve something and come up with a way to avoid those situations and they were still, a year and a half later, still looking to Municipal Courts for some type of leadership and it was not there, and asked Council Member Ellis if he knew more or less how much money they were talking about in outstanding parking tickets and Council Member Ellis stated that he did not know, and Council Member Berry stated that with Enterprise alone it was maybe \$3 million, maybe that was the aggregate, and Council Member Alvarado asked if they were going to get some type of breakdown for each of the companies, that she could not imagine why the item would even make it to the agenda and why they were even entertaining the idea of doing business with companies that did not want to be responsible and pay for the parking tickets, that she did not know if all of the companies owed parking tickets.

Mayor White stated that before there were arrangements made with certain rental car companies for reimbursement, that in light of discussion by Council Members they had given a very good approach that the administration ought to adopt with respect to the rental car companies which involved a couple of different elements, one was that they make sure that they interface with the rental car companies in the matter was efficient and seamless, the second was that a reasonable agreement with rental car companies was something that they expected for people who did business with the City and thought those were good parameters that they ought to utilize in going forward, that the item had been tagged but thought those considerations should be taken into account.

Mayor White stated that he would ask the City Attorney, as the issues were being resolved there may be some interim solution which provided contractual protection for both parties if there were outstanding items which allowed them the due time to take into account the legitimate concerns that they had with those companies, that he would see that an extension for a month may be something that would be appropriate in the interest of both parties.

Mayor White stated that Council Members Alvarado, Sekula-Gibbs, Goldberg, Berry, Ellis, Lawrence and Garcia had tagged Item No. 45.

46. ORDINANCE approving and authorizing compromise and settlement agreement between

the City of Houston and **UNISYS CORPORATION** to settle a claim - \$43,586.00 - Central Services Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0211 ADOPTED.

47. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BUFFALO RIDES, INC** to extend by six (6) months the term of the concession contract for the Hermann Park Miniature Train Ride - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-0212 ADOPTED.
48. ORDINANCE approving and authorizing twenty-second contract amendment between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide \$715,000.00 and continue the program for the development of Neighborhood Parks on public school grounds under the Spark Program - Grant Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS; H - GARCIA and I – ALVARADO** – was presented.

Council Member Garcia stated that he wanted to applaud the SPARKS Office for the work they continued to do, that it was a phenomenal program that the City of Houston had and wanted to commend Ms. Kathleen Ownby and thanked her for the work that she did.

Council Member Sekula-Gibbs stated that she also wanted to congratulate Ms. Ownby and all of the people in the SPARKS Park team who did a fabulous job.

A vote was called on Item No. 48. All voting aye. Nays none. ORDINANCE 2004-0213 ADOPTED.

Mayor White stated that he wanted to recognize Ms. Sharon Villareal and a group of home schoolers from in a home schooling coop from Surgaland and asked that they stand and be recognized.

49. ORDINANCE amending Ordinance No. 99-1313 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City of Houston and **FRAZER, INC** for Ambulance Module Refurbishing Services for Houston Fire Department \$248,477.50 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0214 ADOPTED.
50. ORDINANCE approving and authorizing acceptance of funding from the **HOUSTON-GALVESTON AREA COUNCIL (HGAC)** for FY04 Education and Training Project to Produce the 12th Annual Recycling Guide along with English and Spanish version television advertising for heavy trash related services - \$120,000.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0215 ADOPTED.
51. ORDINANCE approving and authorizing contract between the City of Houston and **TELE-WORKS, INC** for an Electronic Bill Presentment and Payment System; providing a maximum contract amount - 3 years with two-one year options - \$315,600.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0216 ADOPTED.
52. ORDINANCE awarding contract to **JEFFERSON MOWING** for Weed Mowing & Debris Removal Services for Planning & Development Department; providing a maximum contract amount 1 Year with four one-year options - \$3,987,577.50 - General Fund – was presented, and tagged by Council Member Wiseman.

Council Member Quan stated that on the item he was concerned, that it seemed the Jefferson Mowing was the sole bidder on the item and in talking with Ms. Montecella Flaniken, they charged a minimum of \$145 per lot being mowed and it seemed to be an awful lot of money and was surprised that they could not find somebody else who was willing to cut grass

for less than that, so he would like to tag the item and do a review on the process.

Council Member Garcia stated that he would also like to add his tag to the item, that his original understanding of the initiative was that it was going to be done at a non profit, community level and it seemed that they moved over to a sole vendor on it and he was uncomfortable with that, and agreed with Council Member Quan that it was work that could be done much cheaper.

Council Members Sekula-Gibbs and Lawrence requested that their tags be added to Item No. 52.

Council Member Goldberg stated that a lot of times when they put a contract out there they made it a rather large contract, combining a whole lot of services into one because they got a better rate and thought that in this case if they broke the contract up and offered it to maybe 5 or 10 other companies he thought maybe they could get more bidders in and get a better price, so he would add his tag to the item.

Mayor White stated that there was some urgency in getting on with the item and in part it reflected direction from the Mayor that responded to public sentiment concerning the weeded lots and thought that within Mr. Litke's Department and under his fine leadership he wanted to make sure that Mr. Tinnermon would take a look into the issue and confer with Ms. Stiner on certain issues involving the particular item about funding sources.

Council Member Galloway stated that she knew her colleagues were perhaps not familiar with the scope of work that was going to be done, that she had already met with the Planning on the item and in fact she did not know how the person was going to do the scope of work even at the item amount, that many of her colleagues were not affected by weeded lots, trash and debris, that there were over 7,000 weeded lots and approximately 5,000 of those were in District B, that the Mayor had ordered a cleanup and wanted to get something done and to make a difference so if the Council Members would take a tour of District B they would see the scope of work, and it also identified in the RCA that they would be removing tires, heavy equipment, trash, all kind of debris, there were a lot of lots that had old stoves and refrigerators on them and they would be hauling off all of that, that sometimes they thought an amount was so large but if they looked at the scope of work they would see that the person was probably undercutting themselves tremendously, so if they had all of the background information maybe they could understand, that she hoped her colleagues would release their tags because District B had a lot of large weeded lots and some of the land was an acre of land for one lot and they had already been notified and been through the system, that the lots had been posted, that they had seniors that lived next to 10 and 12 foot weeds and all kind of debris so in order to get District B cleaned up and other districts that were in the shape of District B, if they had any questions they had Mr. Tinnermon who they could question about the scope of work, because compared to the cost it was very reasonable, that some of the property owners would be assessed.

Council Member Edwards stated that she would like to ditto some of Council Member Galloway comments, that they had several children in District D who had been sexually assaulted in weeded lots because the weeds were as tall as human beings, that it was more than just cutting lots, a lot of the lots had been abandoned for a long time and there was a lot of stuff on those lots. Council Member Alvarado absent.

Council Member Wiseman stated that she tagged the item and understood very much the concerns of her colleagues who were dealing with the weeded lots and the dangers those lots posed to the community, that they had the same situation in her district, that with all due respect to her colleagues there was some additional information that she did need to receive on the item, that she did not believe that any Member of Council was attempting to not move forward with a contract for the services, she thought they just needed some reassurances and additional

information, and Mayor White stated that they would try to get that information to the Council Members. Council Member Alvarado absent.

Council Member Lawrence stated that she thought they were all concerned with weeded lots it was just a matter of the classification and maybe to break it up, as suggested, into different contracts and specify lots, type a and type b and have other people bid on the lots that maybe were just weeded lots. Council Member Alvarado absent.

Council Member Edwards stated that she thought it was disingenuous of the Council after they had many people come to Council to talk about concerns with weeded lots and the public safety hazards that they had, and were they going to cut it out and add another layer of bureaucracy what was the time span, was it going to add additional time to getting it done and she would refer the calls from her district to those Council Members who could take them.

Council Member Galloway stated that other Council Members did not understand her community and the district she represented, that of course it seemed like a lot of money to them but every property that was being cut would be assessed a fee and if the property was sold they would have to pay, so it was not like they were not trying to recuperate some of their funds, that Mr. Fontaine, along with Neighborhood Protection, went on a tour of her district and Mr. Fontaine could not believe the condition that District B was in, that many of her colleagues had not seen what she was faced with and District B had been neglected for many years. Council Member Goldberg absent.

Council Member Green stated that he was going to echo the sentiments of some of the districts that had long been neglected in the City, that the RCA explained the due diligence behind the contract, that Purchasing inquired as to why there was only one bid and they found that because of the scope of the work only one person was willing to bid on the contract, so he did not know what further study was going to reveal, that he admitted it seemed like a lot, but thought that taken into the entire context of the RCA, where they determined what amount of work needed to be done and determined what was on the lots and also determined the reasoning behind the one bid, he did not see what further study was going to reveal, so he needed to take into consideration that when they got on the Council they all knew there were underserved districts in the City and it was going to be very difficult to go and tell people why they could not have their tax dollars to remove lots and they were giving tax credits for million dollar retirement homes, that it was disingenuous at best, that people were tired of being put off. Council Member Garcia absent.

Council Member Khan stated that he wanted to remind people that it was very different when they mowed their own yard or had somebody come and mow their yard, they did not have the same requirements that the City of Houston had so they could not compare their hiring people to mow their yards versus the City hiring a contractor to take care of the weeded lots, that he thought if they knew the unit costs and the previous contract costs it may help his colleagues to understand that it was very much in line with what they were expecting. Council Member Goldberg absent.

After further discussion, Council Member Alvarado moved to suspend the rules to hear from Mr. Steve Tinnermon at this time, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway and Goldberg absent. MOTION 2004-0305 ADOPTED.

Upon questions by Council Members, Mr. Tinnermon stated that Item No. 52 was one of an arsenal of different types of contracts and the like that they were putting together in order to address the issue of weeded lots, that currently they anticipated that they would be cutting somewhere in the area of about 6,000 lots each year, they were currently negotiating an additional contract with the Country, probationers, and under that contract they would be paying somewhere in the area of between \$65 and \$69 per lot but those were for more standard type lots, that Item No. 52 was a contract that they would utilize for lots where they had heavy debris,

refrigerators, an abundance of tires and heavy duty materials, that they also had a pilot program where they had entered into agreements with the super neighborhoods where they were having the super neighborhoods get involved in cutting the lots, so it was just one of an arsenal of tools that they needed to address the Mayor's initiative of getting as many of the lots under control as they could; that they attempted to break the City up into quadrants and in fact the first time the contract went out they tried to get contracts for each quadrant of the City and the plan was that other than emergencies they would simply rotate around the City from quadrant to quadrant and try to get as many of the lots in those areas cut as possible, as they were also aware they were working on a campaign with Keep Houston Beautiful where they were going to be encouraging private sector parties to get out and get their lots cut and hoped to make that an annual program twice a year, that in terms of the systematic cuts it was quadrants and going around the City, but where they had more of the emergencies, where they had lots next to elderly and next to schools they wanted the flexibility to get in and cut the lots on an as needed basis, that the contract was basically authority, they would not even necessarily use all of the funding capability in the contract, that it was the authority to use it as they needed it on those lots where they found they had the heavy duty debris and the like, that as to the number in the contract, he thought it was basically an estimate in terms of what would be the maximum number of lots that they would have to cut using a contract like it with the expectation that they would not necessarily have to use all of the authority under the contract, and Mr. Michel stated that the contract had a standard 30 day termination for convenience provision.

After further discussion Mr. Tinnermon stated that he would expect, at the end of a year, that they would cut somewhere in the area of 2,000 lots and would expect to spend 50% of the money, that the range was based on a square foot basis, that people could call 311 and have a lot cleared, however, because of the number of lots out there they would try to establish a priority system, that it was not based on the district per se, it was based on the condition, that there would be priorities established in all districts.

After further questions by Council Members, Mr. Litke stated that they broke down for bidding purposes the different size lots, that it was a four year allocation and they tried to break the contract up into four quadrants for the City and they got one bidder, the contractor who held it for the last several years did not even bid on it, he said he could not make any money, that they were trying to break it up so they would have multiple contracts and they did not succeed because the general attitude was that they were not making any money on it, that the allocation was well above what they expected to expend under the contract because as Mr. Tinnermon indicated they were working with Keep Houston Beautiful, working with probationers and working with super neighborhoods and his long term goal was to reduce the expenditure and not increase them while they were expending the number of lots that they had in fact been hitting every year but they needed a contract because the existing one would end in the middle of April.

After a further lengthy discussion, Mr. Wells stated that he thought the misunderstanding was really relative to the scope of work, that once they took some time to get around with the Council Members and brief them so they could have a full understanding of what it was all about he thought they would have a deeper appreciation, and Mr. Litke stated that he had a plan and had explained his plan at several committee meetings and had met with several Council Members, that they had established priorities for cutting weeds, adjacent to elderly, disabled and on a school street, that they had been spending upwards of \$800,000 per year for 15 to 20 years to cut weeds and they kept growing, that his goal was to set up a whole series of different ways of attacking the problem, and intended to do more with less money.

Mayor White stated that Mr. Tinnermon did say at the very outset that it was one of an arsenal of tools that would be used and it would not be the only contractor or endeavor.

Mayor White stated that at 12:00 p.m. at the City Hall steps they would have the lady's Women's Champion Basketball Team, the 5AA and 4AA Men's Championship Basketball Team

and the Milby Band would be on the City Hall steps, the Westfield Coach had done such a great job plugging away at that program, that they had two HISD players who were first team college all Americans so it was a chance to celebrate Houston, and Jones High School, that it would be a great experience.

54. ORDINANCE appropriating \$448,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SNOWDEN ENGINEERING, INC** for the Design of Water Line Replacement in the Sandalwood Area, CIP S-0035-D3-2 (WA10794); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – HOLM** – was presented, and tagged by Council Member Holm.
57. ORDINANCE appropriating \$5,681,800.00 out of Storm Sewer Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Storm Sewer Improvements in the Wilchester West Subdivision, GFS M-0246-01-3 (SM5005); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Storm Sewer Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2004-0217 ADOPTED.
58. ORDINANCE appropriating \$3,629,300.00 out of Series E Commercial Paper Metro Projects Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION, L.P.**, for Generic Citywide Overlay Package #5, GFS N-1037-40-3 (OL2240); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0218 ADOPTED.
59. ORDINANCE appropriating \$112,500.00 out of Water & Sewer System Consolidated Construction Fund to contract between the City and **COASTAL SECURITIES** for Financial Advisory Services; appropriating \$125,000.00 out of Street & Bridge Consolidated Construction Fund to contract with **FIRST SOUTHWEST COMPANY** for Financial Advisory Services; allocating certain funds to the Financial Advisory Contracts - \$82,500.00 - Enterprise Fund – was presented.

Council Member Sekula-Gibbs stated that the question she had related to the issue of refinancing the water sewer debt and asked if it was something that the Mayor would be bringing to them in the near future, and Mayor White stated that first, in the next day and a half, he and others would brief Council Members on water and sewer drainage issues and a plan to address them, that second, he had asked the Chairman of the Fiscal Affairs Committee, who had been part of team working on different scenarios to make it a topic of the presentation on Tuesday, and between now and then he would announce a plan and they would have to have some open dialog on how they moved forward because they were some very serious issues, that had had asked for there to be a briefing, as soon as possible, an overview of a couple of the issues in the water and sewer system. Council Member Galloway absent.

After further discussion a vote was called on Item No. 59. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2004-0219 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBER 60

#### **MISCELLANEOUS**

60. **SET A PUBLIC HEARING DATE** regarding the request to extend the eastern boundary of the **LOWER WESTHEIMER BANNER DISTRICT** - **DISTRICT D – EDWARDS** - **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - TWO WEEKS AFTER DATE OF PASSAGE** – was presented.

Council Member Khan moved to set 9:00 a.m. Wednesday, April 7, 2004 for the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0306 ADOPTED.

**MATTERS HELD** - NUMBER 61

61. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.068 per square foot for properties connecting to the 8-inch sanitary sewer line located on Dorrance Road constructed by **JAMES GRAFTON and SRIDHI INVESTMENT, INC 13 – (This was Item 4 on Agenda of March 10, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Galloway absent. MOTION 2004-0307 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Lawrence stated that she wanted to recognize the Legal Department for the new forms put out on the website concerning deed restriction complaint forms and one other form tracking different items available to the citizens and neighborhoods. Council Member Galloway absent.

Council Member Lawrence stated that this weekend they would have groups out working on esplanades and right-of-ways, cleaning ditches as they did last weekend and wanted to thank all those citizens in District A who were participating in the cleanups. Council Member Galloway absent.

Council Member Lawrence stated that they had a number of parks in the super neighborhoods that the businesses were moving forward in and wanted to recognize three big supporters, that HEB was putting in a water fountain park in the super neighborhood of Inwood Forest, that Walmart was doing about five esplanades and International Paint had stepped up with five esplanades, again the community being involved in the district when asked. Council Member Galloway absent.

Council Member Lawrence stated that she wanted to thank those departments and employees who came to their CIP meeting, that they appreciated them as workers for the City and trying to make a difference for the City. Council Member Galloway absent.

Council Member Garcia stated that on Saturday they would be doing the Rivers, Lakes and Bayous Trash Bash, which would be done at Moody Park and he would be there helping the folks out there, that the folks of the Near Northside Super Neighborhood Council would be out there doing a cleanup, that they had been at Independence Heights this past weekend for a cleanup, that the area they were cleaning up was that City's historical courthouse, city hall and theater and was in horrible condition, that he was adding as a personal item to try to bring some preservation to that particular issue. Council Members Galloway and Ellis absent.

Council Member Garcia stated that on the independent report that the Mayor was seeking he noticed on the RCA that the Mayor issued a note talking about the urgency and that was why the MWBE requirement would be waived and he would respect that. Council Members Galloway and Ellis absent.

Council Member Garcia stated that there was a continued issue in the area of crime and things of that nature, that Chief Hurtt attended their North Lindale Civic Association and made a tremendous impression on the folks out there, that they were excited about the leadership that Chief Hurtt was bring to the City and to the department and again wanted to commend Mayor White on a fine selection and looked forward to working with the Chief and addressing their issues. Council Members Galloway and Ellis absent.

Mayor White stated so they would know his sensitivity to the particular issue, they looked at comparative proposals and had a criteria for some of the top of the nation and was not aware that the waiver was needed or granted until he looked at the item but in some guidance one of the things in their discussions with Ms. Culbreth and others, that he was aware of, was the work that Mercer had done with HISD and others. Council Members Galloway, Ellis and Berry absent.

Council Member Holm stated that she appreciated the discussion on Item No. 52, that it was very informative and she learned a lot from it and it proved that they were doing their job really well with the departments and it did bring out the importance of following through with the communication so that they really understood the issues that were being brought forth. Council Members Galloway, Ellis and Berry absent.

Council Member Alvarado stated that she wanted to recognize Justice of the Peace Joann Delgado who was present in the audience, that she was also a Milby Alumni, as was she and Council Member Quan, and wanted to congratulate all of their teams, especially the Milby Buffs. Council Members Ellis and Berry absent.

Council Member Alvarado stated that she wanted to congratulate the Glenbrook Community, that this past weekend they held their first ever block party to bring awareness to some of the crime in the neighborhood, that she was pleased that they had organized all of the apartment owners in that particular area to get involved in fighting back on crime, that she wanted to thank their HPD officers who were out there to educate the community on measures that they could take to be safer. Council Members Holm, Ellis and Berry absent.

Council Member Wiseman stated that she also wanted to thank Judge Delgado for being present, that she was at their CIP meeting the other night as was Council Member Alvarado and Council Member Sekula-Gibbs sent a representative, that much discussion was held over CIP and other basic municipal services and the community was very appreciative of the efforts that the Mayor was making and they were very optimistic, that a common theme that they had experienced in the meeting was the desire of the community to have the City make an effort to enforce their ordinances. Council Members Holm and Ellis absent.

Council Member Wiseman stated that the community of Bellfort Park had been trying for two years to adopt the esplanade on Makawa, between Bellfort and Vasser and one of the things they were required to do was submit architectural plans and thought they were doing a disservice to communities that wanted to take such a project on themselves and did not have financial means to do so but were going to do the hard work themselves and to require them to obtain architectural plans was an expense they could not afford so therefore it was a discouragement to them, so she would like assistance from the administration as far as how they make the program easier for the people who would like to participate. Council Members Holm and Ellis absent.

Council Member Wiseman stated that Gulfway Terrace had some issues that they needed to address, that people were actually parking boats in their driveways, that they needed to see if Neighborhood Protection would assist them in addressing the boat issue. Council Members Holm and Ellis absent.

Council Member Wiseman stated that she circulated photos of airplanes flying near Intercontinental Airport and took the opportunity to visit the constituents who had shared their concerns over the flight patterns that were associated with the new runway and was very shocked and surprised to see how close those planes really were and appreciated the administration seriously looking at the situation and trying to resolve the matter for them. Council Members Holm and Ellis absent.

Council Member Wiseman stated that the CIP meeting for Kingwood would be Thursday at 7:00 p.m. at Creekwood Middle School and she was looking forward to it, and wanted to thank the members of the departments the administration who attended their meeting Monday night and who

would be attending on Thursday. Council Members Holm and Ellis absent.

Council Member Wiseman stated that she wanted to express her deep gratitude to the Mayor for all he was doing with respect to Ellington Field and the retention of the 147<sup>th</sup>. Council Members Holm and Ellis absent.

Council Member Sekula-Gibbs stated that they were working hand in hand with the Ellington Field Task Force to support a name change so they did want to support the change in the name to Ellington Field Joint Reserve Base doing business as Ellington Field, that they were preparing for a visit by the Texas Military Preparedness Commission on March 30, 2004 and if possible she would appreciate a letter of support for the name change from the Mayor's office, that it would mean a great deal for the Ellington Task Force to have that. Council Members Wiseman, Holm and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to thank the people in the Mayor's Office for Disabilities for acting on a problem very quickly, that Ms. Kym King was called to deal with an issue relating to lack of wheel chair access in the streets surrounding Bayou Place, that she went out of her way and within a month of their office calling on her, she worked with Ms. Dawn Ullrich, C&E and Public Works and Engineering and they made wheelchair ramps available in very short order. Council Members Wiseman, Holm and Berry absent.

Council Member Sekula-Gibbs stated that on Saturday the Denver Harbor Little League would be celebrating the opening of the Little League season with a parade and ceremony and would be from 7200 Lyons and ending at Selena Quintanilla Park at 10:00 a.m. Council Members Wiseman, Holm and Berry absent.

Council Member Sekula-Gibbs stated that on Sunday at 2:30 p.m. at Clear Lake High School they would have the Joey Zimmer Bone Cancer Walk, which was a very important event in the Clear Lake Area. Council Members Wiseman and Holm absent.

Council Member Khan stated that he wanted to thank Mayor White for proclaiming March 18 through March 28 as the days for the Senior Olympics, that the events were originally started by the Jewish Community Center about 16 years ago and were open to anyone over the age of 50 years old. Council Members Wiseman, Alvarado, Holm and Sekula-Gibbs absent.

Council Member Khan stated that he wanted to recognize March as the month for March on Crime.

Council Member Khan stated that he again wanted to welcome Chief Hurtt.

Council Member Quan stated that yesterday several members of ACORN came before the Housing Committee talking about contract for deed, that it appeared there had been some abuse in that area and he had a letter to the City Attorney asking that the City look into what could be done and what action they could take to help the individuals. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Quan stated that yesterday the Housing and Community Development Department premiered its website on projects and proposals. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Quan stated that yesterday they recognized the Special Needs Scouts and on Saturday at Drexlers Barbeque, from 12:00 p.m. to 2:00 p.m. they would be having an event to try to raise money for the scouts, that he wanted to thank the Sam Houston Council, the former NBA players and the Office of Disabilities. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Quan stated that their breakfast was provided by the Red Cat Café and thought everyone enjoyed that. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Galloway stated that she wanted to thank all of the department representatives who participated in their CIP meeting, that they were most helpful and their input was quite beneficial to District B constituents. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Galloway stated that Mayor White was invited to the Fifth Ward Bond Parade which was going to be held on Saturday at 12:00 p.m. and would start at Boyce Dorrian Park at 2000 Erasmus Street. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Galloway stated that her staff was passing out some pictures and would hope they would have some type of discussion about young people standing at intersections soliciting funds. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Berry stated that Ms. Susan Taylor wrote a great memo on the fund solicitation and basically she said to enforce the law.

Council Member Berry stated that on Item No. 12 he and Council Member Goldberg did not tag it but they had a concern which Council Member Galloway had suggested in the past with Texas Sterling and hoped they were on notice. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to thank Anthony Cavella with HPD who had been communicating very well with the public over the two incidents in the Rice Village area. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Berry stated that Travel and Leisure Magazine came out with a little report which was on CNN of best cities and was a stupid report and ranked Houston last in most categories. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Berry stated that Mr. Vanden Bosch in Public Works would need a lot of help because he had lost four or five of his top people and hoped it would be their top priority to replace those people with good people and hoped that they would pay them well and get the best that was out there. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Berry stated that the Katy Freeway project would start on Monday, that they were going to get calls because there would be non consent tows, if they had not yet been briefed by Lieutenant Durden of HPD he would encourage them to do that before Monday. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Goldberg stated that he wanted to recognize Ms. Sara Culbreth, the Deputy CAO, that today was her last day in that capacity, that she was going to be a Deputy Director at Public Works. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Mayor White stated that Ms. Culbreth would continue to have some responsibilities on some projects in both the pension area and with John Baldwin putting together a unified capital improvement budget, project management, finance system, which the City greatly needed. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Goldberg stated that on Item No. 12 it was one of the worst designs that he had ever seen. Council Members Galloway, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Council Member Goldberg stated that needed to contact Public Works and see who was putting the appraisers list together. Council Members Galloway, Wiseman, Holm, Quan and Sekula-Gibbs absent.

Council Member Green stated that he wanted to recognize Mr. Eric Darden and Mr. Hugo

Malenga with Public Works. Council Members Galloway, Wiseman, Khan, Holm, Quan and Sekula-Gibbs absent.

Council Member Green stated that the South Central Little League was kicking off its season on Saturday at GT Nelson Park, which was also known as Yellowstone Park at the corner of Yellowstone and Scott at 9:00 a.m. Council Members Galloway, Wiseman, Khan, Holm, Quan and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to congratulate the U of H Lady Cougars who won the Conference USA and made it to the second round of the NCAA, which was the first time they had done it since 1992. Council Members Galloway, Wiseman, Khan, Holm, Quan and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to congratulate the community and Texas Southern University, that there had been a lot of issues in the area and they had a very good meeting the other night. Council Members Galloway, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that they were having a follow up meeting thanks to Lieutenant Dorothy Edwards and Officer Virgil Ratliff from the Police Department since the young man who was dragged into a weeded lot and molested in that series of molestations around Cullen Middle School, that the meeting was on Saturday, March 27, 2004, from 2:00 p.m. to 5:00 p.m. at the Shrine of the Madonna Cultural Center. Council Members Galloway, Wiseman, Khan, Holm, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT

There being no further business before Council, the City Council adjourned at 12:07 p.m. upon MOTION by Council Member Alvarado, seconded by Council Member Garcia. Council Members Galloway, Wiseman, Khan, Holm, Quan, Sekula-Gibbs, Green and Berry absent. NO QUORUM PRESENT  
DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

---

Anna .Russell, City Secretary